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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/275,097	03/24/1999	JOHN C. BURNS	53921/64	9336

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EXAMINER

HARPER, KEVIN C

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/275,097

Applicant(s)

BURNS ET AL *tb*

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-20, 23-31, 34-43 and 46 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 21, 22, 32, 33, 44 and 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Drawings

1. The drawings are objected to because the following requires descriptive wording:

Figure 1, one of item 20;

Figure 1, one of item 120 and 120p, item 123; and,

Figure 3, item 140 and 140p.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2, 12-13, 23-25 and 34-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Jamoussi et al. (US 6,128,280).

2. Regarding claim 1 and 23-24, Jamoussi discloses a method for ordered release of connections from a network entity (Figure 1, item 12) in a signaling communications system (abstract, lines 7-15; col. 4, lines 23-27). The connection paths traverse the network entity via network interfaces (item 24). The method comprises the steps of associating a priority indicator with each of the connections (Figure 4, item 64; Figure 5; col. 6, lines 23-37 and 56-58), where a priority hierarchy comprises several priority levels (col. 6, lines 33-37), and releasing every connection which the network outage has disrupted (col. 12, lines 25-29). The release takes place in sequence which corresponds to the priority hierarchy (col. 11, lines 28-38).
3. Regarding claims 12 and 34-35, Jamoussi discloses a method for ordered release of connections from a first and second network entity (Figure 1, ATM switches #1 and #2) in a signaling communications system (abstract, lines 7-15; col. 4, lines 23-27). The connection paths traverse the network entity via network interfaces (item 24). The method comprises the steps of associating a priority indicator and traffic rate with each of the connections (Figure 4, item 64; Figure 5, items 102 and 108-109; col. 6, lines 23-37 and 56-58) of a logical inverse multiplexing trunk (col. 1, lines 13-16; col. 4, lines 26-29), where a priority hierarchy comprises several priority levels (col. 6, lines 33-37), and releasing every connection which the network outage has disrupted (col. 12, lines 25-29). The release takes place in sequence which corresponds to the priority hierarchy (col. 11, lines 28-38).
4. Regarding claims 25 and 36, the priority indicators (Figure 5, item 102) and traffic rates (items 108-109) are associated with their respective connections in a network entity look up table.
5. Regarding claims 2, 13, 26 and 37-38, the connections are released according to an ordered list (Figure 5 and 6; col. 7, lines 55-64).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3-9, 14-20, 26-31, 39-43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamoussi et al. (US 6,128,280).

6. Regarding claims 3 and 14, Jamoussi discloses an ordered list of connections and a table of connections. However, Jamoussi does not disclose that the table is ordered according to priority. One skilled in the art would recognize that an ordered table is typically used to make convenient searching for or choosing a particular desired table entry. Therefore, it would have been obvious to order a table in the invention of Jamoussi as a matter of design choice.

7. Regarding claims 4, 15, 27 and 39, Jamoussi discloses a connection establishment request message (col. 5, lines 49-51), which includes a priority indicator (Figure 4, item 64). However, Jamoussi does not disclose that the request message includes a source identifier and a destination

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identifier. One skilled in the art would recognize that typically a source and destination identifiers are associated with a request message in order to categorize the connection, to authenticate the connection, etc. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a source and destination identifier in the connection establishment request message in the invention of Jamoussi as a matter of design choice.

8. Regarding claims 5, 16, 28 and 40, Jamoussi does not disclose transmitting a release message to the source or destination. One skilled in the art would recognize that when a connection is released, the source and/or destination are typically notified in order to free network resources or to be updated on the current network status or topology. Therefore, it would have been obvious to one skilled in the art at the time the invention was made for the network entity to notify the source and/or destination of a connection release in the invention of Jamoussi.

9. Regarding claim 6, the priority indicators (Figure 5, item 102) are associated with their respective connections in a network entity look up table.

10. Regarding claims 7 and 29, Jamoussi does not disclose that the network outage is a failure of a signaling link. One skilled in the art would recognize that a failure of a signaling link associated with a channel causes a disruption in the channel, or the failure of a signaling link is an indication of a channel failure when the signaling is carried in-band along with the channel data. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to release connections based on a signaling link failure in the invention of Jamoussi.

11. Regarding claim 30, the network outage is due to an access link failure (col. 1, lines 24-25).

12. Regarding claim 8, Jamoussi does not disclose that the network outage is a failure of the network entity interface. One skilled in the art would recognize that a failure of a signaling link associated with a channel causes a disruption in the channel, or the failure of a signaling link is an

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indication of a channel failure when the signaling is carried in-band along with the channel data.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to release connections based on a signaling link failure in the invention of Jamoussi.

13. Regarding claims 17 and 41, the logical trunk comprises several physical links (col. 1, lines 14-16).

14. Regarding claim 9, 18, 31 and 42, the signaling network is an ATM network (col. 4, lines 23-27).

15. Regarding claim 19 and 43, the trunk is an IMA trunk (col. 1, lines 14-16).

16. Regarding claim 20, the priority indicators (Figure 5, item 102) and traffic rates (items 108-109) are associated with their respective connections in a network entity look up table.

17. Regarding claim 46, the apparatus (Figure 1, item 14) is in the first network entity (item 12).

Allowable Subject Matter

18. Claims 10-11, 21-22, 32-33 and 44-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burns et al. (US 6,292,463) discloses a timed release of connections during a network fault.

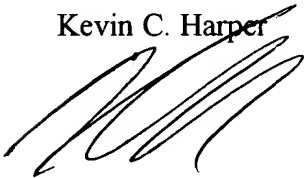
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 9:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached at 703-305-4366. The fax number for Technology Center (TC) 2600 is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper



September 19, 2002

KWANG BIN YAO
PRIMARY EXAMINER

